IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3564 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAKWANA HARISHBHAI GOVINDBHAI

Versus

DISTRICT COLLECTOR

Appearance:

1. Special Civil Application No. 3564 of 2003
PARTY-IN-PERSON for Petitioner No. 1
MR DESAI, Ld. AGP for Respondent No. 1-3

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 28/04/2003

ORAL JUDGEMENT

1. Rule. Mr.Desai, learned AGP for the respondent authorities, waives service of notice of rule.

2. The present petition is preferred by the petitioner for challenging the legality and validity of the order dated 20-2-2003 passed by the Special Secretary, Revenue Department of the State Government, whereby the revision has been dismissed on the ground of delay.

3. Mr.Desai, learned AGP, at the outset, submitted that when the Secretary passed the order, the affidavit of the petitioner could not be considered by the officer and, therefore, the same is not considered and he further states that let there be the direction to decide the revision application on merits.

4. The party-in-person who is present has no objection if such course is adopted.

5. Hence it appears that the Special Secretary has committed error apparent on the face of record in not considering the affidavit filed by party-in-person who had explained delay and had made out the case for condoning the delay.

6. Under the circumstances, the impugned order dated 20-2-2003 passed by the Special Secretary is quashed and set aside and the Special Secretary shall decide the revision application afresh on merits within a period of three months from the date of receipt of the order of this Court. The petition is allowed to the aforesaid extent. No costs.

28-4-2003 (Jayant Patel, J.)

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